

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ERIC TOWNSEL,
Plaintiff,
v.
ROBERT ROYSE, *et al.*,
Defendants.) No. CV-12-5095-CI
) ORDER STRIKING PENDING
) MOTIONS AND RESETTING
) TELEPHONIC SCHEDULING
) CONFERENCE
)
) **----- ACTION REQUIRED -----**
)

Before the court are the following Motions: Defendants' Motion to Dismiss (ECF No. 6); Plaintiff's Motion to Remand his case to State court (ECF No. 12); Plaintiff's Motion for Summary Judgment (ECF No. 24); Defendants' Motion to Strike Plaintiff's Motion for Summary Judgment (ECF No. 26); and Defendants' Motion to Expedite their Motion to Strike Plaintiff's Motion for Summary Judgment (ECF No. 28).

Plaintiff, a prisoner in the custody of the Department of Corrections at the Washington State Penitentiary (WSP), appears *pro se*; Defendants are represented by Washington State Assistant Attorney General Kevin C. Elliot. The parties have not consented to proceedings before a magistrate judge.

On July 18, 2012, Defendants filed a Notice of Removal of Plaintiff's civil rights complaint from Walla Walla County Superior Court to federal court pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction). (ECF No. 1, 2, 3.) On July 20, 2012, pursuant to LR 16.1(a), Local Rules for the Eastern District of Washington (Civil Pretrial Procedure), this court provided the

1 parties with its Notice Setting a Telephonic Scheduling Conference
 2 before Magistrate Judge Cynthia Imbrogno. The Notice set the
 3 scheduling conference for **September 19, 2012 at 11:00 a.m.**, and
 4 directed the parties to confer in advance of the scheduling
 5 conference and submit a joint or separate certificate with
 6 information requested in the Notice. (ECF No. 5.)

7 On August 23, 2012, the court granted Defendants' Motion to
 8 Continue the Scheduling Conference; and in the interests of judicial
 9 economy, consolidated and reset hearings on Plaintiff's Motion to
 10 Remand to State court (with oral argument) and Defendants' Motion to
 11 Dismiss (without oral argument). The reset motion hearings were
 12 continued to **September 19, 2012**, at 11:00 a.m. The scheduling
 13 conference was canceled and continued until further court order.

14 On August 27, 2012, Plaintiff filed a Motion for Rule 56
 15 Summary Judgment, and noted it for hearing on September 17, 2012,
 16 without oral argument. (ECF No. 24.) On August 29, 2012, Defendants
 17 filed a Motion to Strike and a Motion to Expedite (noted for hearing
 18 on September 5, 2012). It appears Defendants noted the expedited
 19 hearing on their Motion to Strike Plaintiff's Motion for Summary
 20 judgment for September 28, 2012. (Tr. 26, 28, 29.)

21 In the interests of judicial economy, efficient time management
 22 for all parties and the court, and recognizing that the court has
 23 not had the opportunity to meet with the parties to discuss pretrial
 24 deadlines and expectation in compliance with LR 16.1(a),

25 **IT IS ORDERED:**

26 1. All Motions pending before the court (ECF Nos. **6, 12, 24,**
 27 **26, 28**) are **STRICKEN** with leave to renew after the Scheduling

28

1 | Conference Order is filed.

2 2. The **TELEPHONIC SCHEDULING CONFERENCE** shall be held on
3 **OCTOBER 30, 2012, AT 10:30 a.m.** The parties are advised to confer
4 and file a Joint (or Separate) Certificate as directed in the Notice
5 of Hearing. (**ECF No. 5.**)

6 || **IT IS FURTHER ORDERED:**

7 Due to inevitable delays in the transmittal of court orders to
8 inmates by paper mail, counsel for Defendants is directed to contact
9 Plaintiff by telephone at the WSP immediately upon receipt of this
10 Order. Counsel shall inform Plaintiff that all pending motions have
11 been stricken with leave to renew after the reset Scheduling
12 Conference on October 30, 2012, and that a paper copy of this Order
13 is being mailed to him by the court.

14 Defense counsel is directed to initiate the conference call to
15 Plaintiff and Judge Imbrogno's chambers on October 30, 2012, at
16 10:30 a.m., via the court's conference line: **888-363-4749, Access**
17 **Code 6822266.** The parties are further advised that any motions
18 filed prior to October 30, 2012, will not be addressed by the court
19 until after the Scheduling Conference and within time requirements
20 in LR 7.1.

21 The District Court Executive is directed to file this Order,
22 provide a copy to Plaintiff by mail and to counsel for Defendants
23 via CM-ECF.

24 DATED September 17, 2012.

S/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
CHIEF UNITED STATES DISTRICT COURT JUDGE